

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SYLVINA MARIE THOMAS,

Plaintiff,

v.

Case No. 21-cv-429-MV/SCY

KILOLO KIJAKAZI,  
Acting Commissioner of  
Social Security,

Defendant.


**ORDER ADOPTING  
PROPOSED FINDINGS AND RECOMMENDATION**

**THIS MATTER** is before the Court on United States Magistrate Judge Steven C. Yarbrough's August 2, 2022 Proposed Findings And Recommended Disposition ("PFRD"). Doc. 28. Judge Yarbrough recommended that the Court grant Plaintiff's Motion To Reverse And Remand For A Rehearing With Supporting Memorandum, Doc. 20, and remand for further proceedings. Judge Yarbrough found that the ALJ improperly failed to explain his rejection of moderate nonexertional limitations in a treating psychologist's opinion, in derogation of *Haga v. Astrue*, 482 F.3d 1205 (10th Cir. 2007), and improperly rejected the opinion of Plaintiff's treating orthopedic surgeon that Plaintiff is restricted to less than sedentary work. Judge Yarbrough notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. Doc. 28 at 14. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Yarbrough's findings and recommendation.

**IT IS THEREFORE ORDERED THAT:**

1. The Court ADOPTS Judge Yarbrough's Proposed Findings and Recommended Disposition, Doc. 28;
2. Plaintiff's Motion To Reverse And Remand For A Rehearing With Supporting Memorandum, Doc. 20, is GRANTED; and
3. The Court remands this case to the Social Security Administration for further proceedings consistent with this Order and Judge Yarbrough's PFRD.

**IT IS SO ORDERED.**

  
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MARTHA VÁZQUEZ  
Senior United States District Judge